IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24433 of 2004

Between:

R.Chinya Naik s/o.Bugya Naik,

Age 34 years, Hostel Welfare Officer,

S.T. Boys Hostel, Shadnagar,

Mahaboobnagar.

..... PETITIONER

AND

1. The Commissioner of Tribal Welfare,

Telugu Samkshema Bhavan,

Masab Tank, Hyderabad.

2. The District Collector (TW),

Mahaboobnagar,

Mahaboobnagar District.

3. The District Tribal Welfare Officer,

Mahaboobnagar,

Mahaboobnagar District.

…. RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus declaring the impugned proceedings of the 2nd respondent pertaining to Proc.Rc.No.A2/2945/2004, dated 16-12-2004 and the notice order of the A.P. Administrative Tribunal, Hyderabad in O.A.No.6811/2004 dated 17-12-2004 as illegal and consequently set-aside the same and further direct the respondents to continue the petitioner as Hostel Welfare Officer in S.T. Boys Hostel, Shadnagar, Mahaboobnagar District and pass such other order or orders as this Hon'ble Court may deem fit and proper and necessary in the circumstances of the case.

Counsel for the Petitioner :MR.P.V.SUBRAHMANYA SARMA

Counsel for the Respondents: GP FOR SERVICES-II

The Court made the following :

ORDER: (per Hon'ble Mr.Justice G.Bikshapathy)

In the instant case, the order of repatriation of the petitioner from the post of Hostel Welfare Officer/Warden, Grade-II to that of Assistant Teacher is assailed before the A.P. Administrative Tribunal. The said order was issued by the District Collector, Mahaboobnagar, 2nd respondent, in Rc.No.A2/2945/2004, dated 16-12-2004. The Tribunal however admitted the O.A. and issued notice to the respondents, against which the present Writ Petition has been filed contending that the Tribunal failed to pass appropriate orders in the circumstances of the case.

2. The learned Counsel for petitioner would submit that the impugned

order of the 2nd respondent is having the effect of repatriating the petitioner to the post of Teacher while he is working as Hostel Welfare Officer/Warden, Grade-II, S.T. Boys Hostel, Shadnagar, Mahaboobnagar for nearly one year.

3. It is brought to our notice that no other person has been posted in the place of the petitioner. Under these circumstances, we deem it appropriate to order status quo obtaining as on today with regard to the post held by the petitioner as Hostel Welfare Officer/Warden Grade-II, S.T. Boys Hostel, Shadnagar, Mahaboobnagar District.

4. Accordingly the Writ Petition is disposed of with a direction that pending O.A.No.6811/2004 on the file of the A.P. Administrative Tribunal, Hyderabad, status quo obtaining as on today shall be maintained with regard to the post held by the petitioner as Hostel Welfare Officer, S.T. Boys Hostel, Shadnagar, Mahaboobnagar District. No costs.

_____

Justice G.Bikshapathy

_____

Justice P.S.Narayana

Date : 28-12-2004

Note: Furnish copy in (2) days.

AM

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Commissioner of Tribal Welfare,

Telugu Samkshema Bhavan,

Masab Tank, Hyderabad.

2. The District Collector (TW),

Mahaboobnagar,

Mahaboobnagar District.

3. The District Tribal Welfare Officer,

Mahaboobnagar,

Mahaboobnagar District.

4. 2 C.Cs. to Government Pleader for Services-II,

High Court of A.P.

High Court Buildings,

Hyderabad (OUT)

5. 2 C.D. copies